



U.S. Department
of Transportation
**Federal Aviation
Administration**

April 15, 2022

Southern Airways Express, LLC
Phil Le Fevre
Chief Operating Officer
2875 South Ocean Boulevard
Suite 256
Palm Beach, FL 33480

Dear Mr. Le Fevre:

This letter is to request clarification on your petition for an exemption from Title 14, Code of Federal Regulations (14 CFR) Part 135.99(c)(4)(i). The Office of Rulemaking entered your November 19, 2021 petition for exemption, on behalf of Southern Airways Express, LLC (FAA Certificate Number 141A246O) into the public docket (FAA-2021-1104).

14 CFR § 135.99(c)(4)(i) states, in pertinent part:

§ 135.99 Composition of flight crew.

- (a) No certificate holder may operate an aircraft with less than the minimum flight crew specified in the aircraft operating limitations or the Aircraft Flight Manual for that aircraft and required by this part for the kind of operation being conducted.
- (4) The pilot assigned to serve as pilot in command satisfies the following requirements:
 - (i) Has been fully qualified to serve as a pilot in command for the certificate holder for at least the previous 6 calendar months;

We are unable to make a determination on your petition without further information and clarification. Please provide additional information and clarification to address the following:

- The exact nature and extent of the requested regulatory relief and reasons for requesting the relief;
 - Please clarify whether Southern Airways Express, LLC is seeking relief from only 14 CFR § 135.99(c)(4)(i) which states, in pertinent part: *“Has been fully qualified to serve as a pilot in command for the certificate holder for at least the previous 6 calendar months”*, **or**
 - Is the petitioner seeking relief from 14 CFR § 135.113 which states: *“No certificate holder may operate an aircraft type certificated after October 15,*

1971, that has a passenger seating configuration, excluding any pilot seat, of more than eight seats if any person other than the pilot in command, a second in command, a company check airman, or an authorized representative of the Administrator, the National Transportation Safety Board, or the United States Postal Service occupies a pilot seat.”, or

- Is the petitioner seeking relief from both 14 CFR §§ 135.99(c)(4)(i) and 135.113 detailed in the previous two bullet points listed above, **or**
- Provide further clarification on the exact regulatory relief that is being requested.
- Further explanation as to why the proposed exemption would not adversely affect safety.
 - The reason(s) why a grant of exemption would not adversely affect public safety or how the exemption would provide a level of safety at least equal to that provided by the rule from which the exemption is sought.
- Request the petitioner provides information and arguments that support the proposed action, this must include relevant technical and scientific data available to you.
- Is the petitioner requesting to operate under the exemption outside of the United States?

What You Should Do

Please submit the additional information to your docket (FAA-2021-1104) at www.regulations.gov. If you want us to process your request any further, you must send the information described earlier to reach us within 30 days of the date of this letter. We will consider the docket on your request open during this 30-day period.

If We Do Not Hear From You

If we do not hear from you within 30 days of the date of this letter, we will close the docket without notifying you further. If you have any questions or require additional time, you may call the FAA Air Transportation Division at (202) 267-8166.

Sincerely,

Lee Abbott

Manager, Flight Standards, Air Transportation Division, Training and Simulation Group